

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

STANLEY E. FRANKLIN EL, )  
Plaintiff, )  
v. )  
BEVERLY PERDUE, )  
Defendant. )  
1:12CV401

## ORDER

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on April 24, 2012, was served on the parties in this action. Plaintiff objected to the Recommendation.

The Court has reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination in accord with the Magistrate Judge's report. The Court therefore adopts the Magistrate Judge's Recommendation.

**IT IS THEREFORE ORDERED** that this action is dismissed pursuant to 28 U.S.C. § 1915A for being frivolous or malicious and for failing to state a claim upon which relief may be granted. A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 21st day of September, 2012.

  
LEAH M. DAUPLaise  
UNITED STATES DISTRICT COURT JUDGE